

Docket No.: 20794/0204878-US0
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hans-Werner Boettcher et al.

Application No.: 10/576,455

Confirmation No.: 2425

Filed: April 20, 2006

Art Unit: 3743

For: METHOD FOR DRYING LAUNDRY AND
LAUNDRY DRYER FOR CARRYING OUT
SAID METHOD

Examiner: J. Lu

APPEAL BRIEF

MS Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

February 13, 2009

Dear Madam:

As required under § 41.37(a), this brief is filed within two months of the Notice of Appeal filed in this case on December 17, 2008, and is in furtherance of said Notice of Appeal.

The fees required under § 41.20(b)(2) are dealt with in the accompanying
TRANSMITTAL OF APPEAL BRIEF.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37 and M.P.E.P. § 1205.2:

- | | |
|------|-----------------------------------|
| I. | Real Party In Interest |
| II | Related Appeals and Interferences |
| III. | Status of Claims |
| IV. | Status of Amendments |
| V. | Summary of Claimed Subject Matter |

VI.	Grounds of Rejection to be Reviewed on Appeal
VII.	Argument
VIII.	Claims
Appendix A	Claims
Appendix B	Evidence
Appendix C	Related Proceedings

I. REAL PARTY IN INTEREST

The real party in interest for this appeal is:

Miele & Cie. KG

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

A. Total Number of Claims in Application

There are 3 claims pending in application.

B. Current Status of Claims

1. Claims canceled: 1-5, 7 and 9
2. Claims withdrawn from consideration but not canceled: None
3. Claims pending: 6, 8 and 10
4. Claims allowed: None
5. Claims rejected: 6, 8 and 10

C. Claims On Appeal

The claim on appeal is claim 6

IV. STATUS OF AMENDMENTS

An Amendment After Final Rejection was filed on November 18, 2008 and entered. The Examiner responded to the Amendment After Final Rejection in an Advisory Action mailed December 9, 2008. In the Advisory Action, the Examiner indicated that Applicants' proposed amendments to claims 6, 8 and 10, would be entered.

Accordingly, the claims enclosed herein as Appendix A incorporate the amendments to claims 6, 8 and 10, as indicated in Amendment After Final Rejection filed on November 18, 2008.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 6 recites a method for drying laundry in a laundry dryer. The laundry dryer has program control device (e.g., 21 in Fig. 2, paragraph [0014]), a drying chamber (e.g., 1 in Fig. 1, paragraph [0013]), and a process air circuit with a fresh air supply passageway (e.g., 15 in Fig. 1, paragraph [0014]) and an exhaust air discharge passageway (e.g., 12 in Fig. 2, paragraph [0014]). A heater (e.g., 17 in Fig. 1, paragraph [0014]) and a blower for conveying drying air through the drying chamber (e.g., 6 in Fig. 1, paragraph [0013]) are disposed in the process air circuit. The method includes providing a flow dividing device (e.g., 11 and 14 in Figs. 2 and 1, respectively, paragraph [0014]) configured to divide the flow of drying air into an exhaust air component and a recirculated air component. A sensor (e.g., 20 in Fig. 1, paragraph [0014]) is used to measure at least one of the pressure and a pressure profile in an air stream of the process air circuit in an area where the drying air enters the drying chamber (e.g., paragraph [0014]). The pressure and/or pressure profile is evaluated (e.g., paragraph [0014]). Based on the evaluating, the flow dividing device is controlled so as to reduce the recirculated air component or set the recirculated air component to zero and continue the drying process at a reduced volumetric flow rate of the drying air through the drying chamber (e.g., paragraph [0014]). The heating power of the heater is reduced based on the reduced volumetric flow rate of the drying air through the drying chamber (e.g., paragraph [0014]).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claim 6 is unpatentable under 35 U.S.C. § 103(a) based on U.S. Patent No. 4,268,247 to Freze and U.S. Patent No. 4,326,342 to Schregenberger. Whether claim 6 is unpatentable under 35 U.S.C. § 103(a) based on U.S. Patent No. 4,549,362 to Haried and Schregenberger. Whether claim 6 is unpatentable under 35 U.S.C. § 103(a) based on German Patent No. DE 2220425 to Heissmееier and Schregenberger. Whether claim 6 is unpatentable under 35 U.S.C. § 103(a) based on Freze and U.S. Patent No. 3,538,614 to Weimer et al. ("Weimer"). Whether claim 6 is unpatentable under 35 U.S.C. § 103(a) based on Haried and Weimer. Whether claim 6 is unpatentable under 35 U.S.C. § 103(a) based on Heissmееier and Weimer.

VII. ARGUMENT

Rejection of claim 6 under 35 U.S.C. § 103(a) based on U.S. Patent No. 4,268,247 to Freze in view of U.S. Patent No. 4,326,342 to Schregenberger; based on U.S. Patent No. 4,549,362 to Haried in view of Schregenberger; based on German Patent No. DE 2220425 to Heissmееier in view of Schregenberger; based on Freze in view of U.S. Patent No. 3,538,614 to Weimer et al. ("Weimer"); based on Haried in view of Weimer; and based on Heissmееier in view of Weimer.

Independent claim 6 of the present application recites "controlling the flow dividing device based on the evaluating [of a pressure and/or pressure profile] so as to reduce or set to zero the recirculated air component and to continue a drying process at a reduced volumetric flow rate of the drying air through the drying chamber." It is respectfully submitted that each of the cited references fails to teach or suggest controlling a flow dividing device based on an evaluating of a pressure or pressure profile so as to continue a drying process at a reduced volumetric flow rate. The Final Office Action dated September 19, 2008 admits that Freze, Haried and Heissmееier do not teach or suggest a pressure sensor. See Detailed Action, respectively, page 6, lines 17-19, page 7, line 22 to page 8, line 2 and page 9, lines 5-7. Because, these references do not include a pressure sensor, they cannot teach controlling a flow dividing device based on the evaluating of a pressure or pressure profile, as recited in claim 6. With respect to Schregenberger, that reference describes

actuating a damper 29 based on the measurement of a sensor 28 in order to return an oven to a balanced condition. See Schregenberger, column 4, lines 18-40. With respect to Weimer, that reference describes the use of a pressure sensor 58 to monitor cooling of the primary combustion products of a furnace. See Weimer, column 5, lines 31-40. There is no indication in either Schregenberger or Weimer that the flow rate through a drying chamber is reduced based on an evaluation of their respective pressure sensors. To the extent that any of the cited references describe a reduction in volumetric flow rate through a drying chamber, such reduction is only in connection with the normal schedule operation of the device. None of the references describe reducing volumetric flow rate based on an evaluating of a pressure and/or pressure profile. Therefore, it would not have been obvious in view of any combination, to the extent proper, of the cited references to control a flow dividing device based on the evaluating of a pressure and/or pressure profile so as to continue a drying process at a reduced volumetric flow rate, as recited in claim 6.

Independent claim 6 of the present application also recites “reducing a heating power of the heater based on the reduced volumetric flow rate of the drying air.” It is respectfully submitted that each of the cited references fails to teach or suggest reducing a heating power of a heater based on a reduced volumetric flow rate of drying air. Each of the references describes either an electrical heater (Heissmeier) or a burner (Freze, Haried, Schregenberger and Weimer). It is respectfully submitted that none of the cited references anywhere teach or suggest reducing the heating power of the respective heater or burner based on drying air volumetric flow rate, as recited in claim 6. Nor would reduction of the heating power of the respective heaters of Heissmeier, Freze, Haried, Schregenberger and Weimer be inherent based on variation of the incoming fresh make up air, as such reduction in heating power would not necessarily be present in the respective prior systems. Indeed, no support has been provided by the Examiner for this contention. See Advisory Action dated December 9, 2008, page 2. Because each of the cited references fails to teach or suggest the above-recited feature of amended claim 6, it is respectfully submitted that any combination of the cited references, to the extent proper, could not render claim 6 obvious.

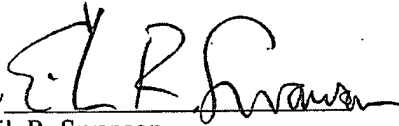
For the foregoing reasons, it is respectfully submitted that claim 6 is patentable over any combination of Freze, Haried, Heissmeier, Schregenberger and Weimer. Reconsideration and withdrawal of the rejection of claim 6 under 35 U.S.C. § 103(a) based on Freze in view of Schregenberger, based on Haried in view of Schregenberger, based on Heissmeeier in view of Schregenberger, based on Freze in view of Weimer, based on Haried in view of Weimer, and based on Heissmeeier in view of Weimer is respectfully requested.

VIII. CLAIMS

A copy of the claims involved in the present appeal is attached hereto as Appendix A. As indicated above, the claims in Appendix A include the amendments filed by Applicant on November 18, 2008.

Dated: February 13, 2009

Respectfully submitted,

By 

Erik R. Swanson

Registration No.: 40,833

DARBY & DARBY P.C.

P.O. Box 770

Church Street Station

New York, New York 10008-0770

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant

APPENDIX A

Claims Involved in the Appeal of Application Serial No. 10/576,455

Claims 1-5 (canceled).

Claim 6 (Previously Presented): A method for drying laundry in a laundry dryer having a program control device, a drying chamber and a process air circuit including a fresh air supply passageway and an exhaust air discharge passageway, the process air circuit having disposed therein a heater and a blower for conveying drying air through the drying chamber, the method comprising:

providing a flow dividing device in the process air circuit configured to divide, into an exhaust air component and a recirculated air component, a flow of the drying air;

measuring, by a sensor, at least one of a pressure and a pressure profile in an air stream of the process air circuit in an area where the drying air enters the drying chamber;

evaluating the at least one of the pressure and the pressure profile;

controlling the flow dividing device based on the evaluating so as to reduce or set to zero the recirculated air component and to continue a drying process at a reduced volumetric flow rate of the drying air through the drying chamber; and

reducing a heating power of the heater based on the reduced volumetric flow rate of the drying air.

Claim 7 (canceled)

Claim 8 (Previously Presented): A laundry dryer comprising:

a program control module;

a drying chamber including a rotatable drum;

a process air circuit including a fresh air supply passageway, an exhaust air discharge passageway and a stationary heating duct;

a heater disposed in the process air circuit;

a blower disposed in the process air circuit and configured to convey drying air through the drying chamber;

a pressure sensor disposed in an area where the drying air enters the drying chamber in a space between the stationary heating duct and the rotatable drum, the pressure sensor being configured to measure at least one of a pressure and a pressure profile in the drying chamber; and

a flow dividing device disposed in the process air circuit and configured to controllably divide a flow of the drying air into an exhaust air component and a recirculated air component, the flow dividing device including a shut-off damper configured to completely or partially close an air path of the recirculated air component based on the measured at least one of a pressure and a pressure profile.

Claim 9 (canceled)

Claim 10 (Previously Presented): The laundry dryer as recited in claim 8 wherein the pressure sensor is disposed in an area where the drying air enters the drying chamber.

Application No.: 10/576,455

Docket No.: 20794/0204878-US0

APPENDIX B

No evidence pursuant to §§ 1.130, 1.131, or 1.132 or entered by or relied upon by the examiner is being submitted.

Application No.: 10/576,455

Docket No.: 20794/0204878-US0

APPENDIX C

No related proceedings are referenced in II. above, hence copies of decisions in related proceedings are not provided.